

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 422

Introduced by Erdman, 47; Hansen, 42;

Read first time January 16, 2007

Committee: Agriculture

A BILL

1 FOR AN ACT relating to agriculture; to amend sections 54-191,
2 54-192, and 54-194, Reissue Revised Statutes of Nebraska;
3 to change the chairperson of the Nebraska Brand
4 Committee; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-191, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 54-191 The Nebraska Brand Committee is hereby created.
4 The brand committee shall consist of ~~the Secretary of State,~~
5 ~~who shall be chairperson,~~ and ~~four~~ five members appointed by
6 the Governor. ~~Three~~ At least three appointed members shall be
7 active cattlemen and at least one appointed member shall
8 be an active cattle feeder. The Secretary of State and the
9 Director of Agriculture, or their designees, shall be nonvoting,
10 ex officio members of the brand committee. The appointed members
11 shall be owners of cattle within the brand inspection area,
12 shall reside within the brand inspection area, shall be owners
13 of Nebraska-recorded brands, and shall be persons whose principal
14 business and occupation is the raising or feeding of cattle within
15 the brand inspection area. The members of the brand committee shall
16 elect a chairperson and vice-chairperson from among its appointed
17 members during the first meeting held after September 1 each
18 calendar year. A member may be reelected to serve as chairperson
19 or vice-chairperson. The terms of the members shall be four-year,
20 staggered terms. At the expiration of the term of an appointed
21 member, the Governor shall appoint a successor. ~~Members serving~~
22 ~~on August 28, 1999, shall be considered appointed to serve the~~
23 ~~remainder of the term to which they were appointed.~~ If there is
24 a vacancy on the brand committee, the Governor shall fill such
25 vacancy by appointing a member to serve during the unexpired

1 term of the member whose office has become vacant. The action
2 of a majority of the members shall be deemed the action of the
3 brand committee. No appointed member shall hold any elective or
4 appointive state or federal office while serving as a member of
5 the brand committee. Each appointed member and each brand committee
6 employee who collects or who is the custodian of any funds shall be
7 bonded or insured as required under section 11-201. The appointed
8 members of the brand committee shall be paid their actual and
9 necessary traveling expenses in attending meetings of the brand
10 committee or in performing any other duties that are prescribed
11 in the Livestock Brand Act or section 54-415, as provided for in
12 sections 81-1174 to 81-1177.

13 The purpose of the Nebraska Brand Committee is to
14 protect Nebraska brand and livestock owners from the theft of
15 livestock through established brand recording, brand inspection,
16 and livestock theft investigation.

17 Sec. 2. Section 54-192, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 54-192 (1) The Nebraska Brand Committee shall employ
20 such employees as may be necessary to properly carry out the
21 Livestock Brand Act and section 54-415, fix the salaries of such
22 employees, and make such expenditures as are necessary to properly
23 carry out such act and section. Employees of the brand committee
24 shall receive mileage computed at the rate provided in section
25 81-1176. The brand committee shall select and designate a location

1 or locations where the brand committee shall keep and maintain an
2 office and where records of the brand inspection and investigation
3 proceedings, transactions, communications, brand registrations, and
4 official acts shall be kept.

5 (2) The brand committee shall employ a director as
6 the executive officer of the brand committee, and the director
7 shall also be the chief brand inspector, the chief investigator,
8 and, for administrative purposes, the brand committee head. The
9 director shall keep a record of all proceedings, transactions,
10 communications, and official acts of the brand committee, shall be
11 custodian of all records of the brand committee, and shall perform
12 such other duties as may be required by the brand committee. The
13 director shall call a meeting at the direction of the ~~Secretary~~
14 ~~of State~~ chairperson of the brand committee, or in his or her
15 absence the vice-chairperson, or upon the written request of two
16 or more members of the brand committee. The director shall have
17 supervisory authority to direct and control all full-time and
18 part-time employees of the brand committee. This authority allows
19 the director to hire employees as are needed on an interim basis
20 subject to approval or confirmation by the brand committee for
21 regular employment. The director may place employees on probation
22 and may discharge an employee. In the absence of the director,
23 by reason of illness, vacation, or official business away from
24 the ~~department's~~ committee's headquarters, the assistant director
25 shall have similar authority as outlined in this section for the

1 director.

2 (3) The brand committee shall employ a brand recorder who
3 shall be responsible for the processing of all applications for new
4 livestock brands, the transfer of ownership of existing livestock
5 brands, the maintenance of accurate and permanent records relating
6 to livestock brands, and such other duties as may be required by
7 the brand committee.

8 (4) If any employee of the brand committee after having
9 been disciplined, placed on probation, or having had his or her
10 services terminated desires to have a hearing before the entire
11 brand committee, such a hearing shall be granted as soon as is
12 practicable and convenient for all persons concerned. The request
13 for such a hearing shall be made in writing by the employee
14 alleging the grievance and shall be directed to the director. After
15 hearing all testimony surrounding the grievance of such employee,
16 the brand committee, at its discretion, may approve, rescind,
17 nullify, or amend all actions as previously taken by the director.

18 Sec. 3. Section 54-194, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 54-194 As The director of the Nebraska Brand Committee
21 or the chairperson of the brand committee of the Nebraska Brand
22 Committee, the Secretary of State, or his or her designee, shall
23 have the authority to sign all certificates and other documents
24 that may by law require certification by signature. Such documents
25 shall include, but not be limited to, new brand certificates, brand

1 transfer certificates, duplicate brand certificates, and brand
2 renewal receipts. A facsimile of the brand committee seal and the
3 signature of the brand recorder shall also be placed on all brand
4 certificates.

5 Sec. 4. Original sections 54-191, 54-192, and 54-194,
6 Reissue Revised Statutes of Nebraska, are repealed.